

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CORINIO ALLEN PRUITT, DCN 285193,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:13-cv-01003
)	Judge Sharp / Knowles
)	
TIM McCONNELL, Health Care Administrator,)	
CORRECTIONAL MEDICAL SERVICES,)	Jury Demand
CENTURION MEDICAL, INC., and FIRST)	
MEDICAL MANAGEMENT,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

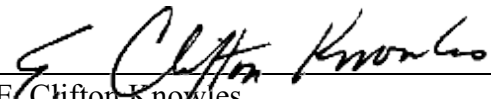
This matter is before the Court upon a “Motion to Dismiss filed on behalf of FCM-MTC Medical, LLC, d/b/a First Medical Management.” Docket No. 39. The Motion argues that the Complaint fails to state a claim upon which relief can be granted, as the referenced Defendant ceased to do business in the state of Tennessee in 2012 and ceased to provide medical providers to Riverbend prison on December 31, 2009, “well before the allegations of Plaintiff’s various complaints.” *Id.*, p. 2.

Plaintiff, who is represented by counsel, filed a response to the instant Motion stating that, “based upon the Motion and Attachments, the Motion should be granted.” Docket No. 41.

Because the Motion to Dismiss is unopposed, it should be GRANTED, and this action should be DISMISSED WITH PREJUDICE as to Defendant FCM-MTC Medical, LLC.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to

this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.


E. Clifton Knowles
United States Magistrate Judge